

# Senate Study Bill 3207

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CO=CHAIRPERSON KREIMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the sealing of juvenile court records.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 6484SK 81  
4 jm/sh/8

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1 1 Section 1. Section 232.150, Code 2005, is amended to read  
1 2 as follows:  
1 3 232.150 SEALING OF RECORDS.  
1 4 1. Upon application of a person who was ~~taken into custody~~  
~~1 5 for a delinquent act or was the subject of a complaint~~  
~~1 6 alleging delinquency or was the subject of a delinquency~~  
~~1 7 petition, or upon the court's own motion adjudicated a~~  
~~1 8 delinquent child~~, the court, after hearing, shall order the  
1 9 records in the case including those specified in sections  
1 10 232.147 and 232.149 sealed if the court finds all of the  
1 11 following:  
1 12 a. Two years have elapsed since ~~the final discharge of the~~  
~~1 13 person or since~~ the last official action in the person's case  
1 14 ~~if there was no adjudication and disposition.~~  
1 15 b. The person has not been subsequently convicted of a  
1 16 felony or an aggravated or serious misdemeanor or adjudicated  
1 17 a delinquent child for an act which if committed by an adult  
1 18 would be a felony, an aggravated misdemeanor or a serious  
1 19 misdemeanor and no proceeding is pending seeking such  
1 20 conviction or adjudication.  
1 21 c. The person was not placed on youthful offender status,  
1 22 transferred back to district court after the youthful  
1 23 offender's eighteenth birthday, and sentenced for the offense  
1 24 which precipitated the youthful offender placement.  
1 25 However, if the person was adjudicated a delinquent child  
1 26 for an offense which if committed by an adult would be an  
1 27 aggravated misdemeanor or a felony, the court shall not order  
1 28 the records in the case sealed unless, upon application of the  
1 29 person or upon the court's own motion and after hearing, the  
1 30 court finds that paragraphs "a" and "b" apply and that the  
1 31 sealing is in the best interests of the person and the public.  
1 32 2. Upon application of a person who was taken into custody  
~~1 33 for a delinquent act, or who was the subject of a complaint~~  
~~1 34 alleging delinquency, or who was the subject of a delinquency~~  
~~1 35 petition, or upon the court's own motion, the court, after~~  
2 1 hearing, shall order the records in the case sealed, including  
2 2 records specified in sections 232.147 and 232.149, if both of  
2 3 the following apply:  
2 4 a. The person entered into a consent decree in lieu of  
2 5 being adjudicated a delinquent child.  
2 6 b. The person complied with the terms of the consent  
2 7 decree.  
2 8 3. For a person who was taken into custody for a  
2 9 delinquent act, or who was the subject of a complaint alleging  
2 10 delinquency, or who was the subject of a delinquency petition,  
2 11 the court shall order the records in the case sealed including  
2 12 records specified in sections 232.147 and 232.149 upon  
2 13 dismissal of the case if there was not an adjudication or  
2 14 consent decree entered.  
2 15 4. Reasonable notice of the hearing shall be given to  
2 16 the person who is the subject of the records named in the  
2 17 motion, the county attorney, and the agencies having custody

2 18 of the records named in the application or motion.  
2 19 ~~3-~~ 5. Notice and copies of a sealing order shall be sent  
2 20 to each agency or person having custody or the records named  
2 21 therein.  
2 22 ~~4-~~ 6. On entry of a sealing order:  
2 23 a. All agencies and persons having custody of records  
2 24 which are named therein, shall send such records to the court  
2 25 issuing the order.  
2 26 b. All index references to sealed records shall be  
2 27 deleted.  
2 28 c. All electronic records and electronic references to the  
2 29 records shall be deleted.  
2 30 ~~5-~~ 7. The sealed records shall no longer be deemed to  
2 31 exist as a matter of law, and the juvenile court and any other  
2 32 agency or person who received notice and a copy of the sealing  
2 33 order shall reply to an inquiry that no such records exist,  
2 34 except when such reply is made to an inquiry pursuant to  
2 35 subsection ~~6~~ 8.  
3 1 ~~6-~~ 8. Inspection of sealed records and disclosure of  
3 2 their contents thereafter may be permitted only pursuant to an  
3 3 order of the court upon application of the person who is the  
3 4 subject of such records except that the court in its  
3 5 discretion may permit reports to be inspected by or their  
3 6 contents to be disclosed for research purposes to a person  
3 7 conducting bona fide research under whatever conditions the  
3 8 court deems proper.  
3 9 EXPLANATION  
3 10 This bill relates to the sealing of juvenile court records.  
3 11 The bill specifies that a juvenile adjudicated delinquent  
3 12 may have the juvenile's delinquency records sealed if two  
3 13 years have elapsed since the last official action was taken in  
3 14 the case, the juvenile has not subsequently been convicted of  
3 15 a felony or aggravated misdemeanor, and the juvenile  
3 16 successfully completed any youthful offender program ordered  
3 17 by the court, and the court finds it is in the best interest  
3 18 of the juvenile and the public to seal the records.  
3 19 The bill provides that a juvenile who was taken into  
3 20 custody for a delinquent act, or who was the subject of a  
3 21 complaint alleging delinquency, or who was the subject of a  
3 22 delinquency petition shall have the records of the juvenile  
3 23 sealed if the juvenile entered into a consent decree in lieu  
3 24 of being adjudicated a delinquent and the juvenile complied  
3 25 with the terms of the consent decree.  
3 26 If a juvenile case was dismissed under the bill, and there  
3 27 was not an adjudication or consent decree entered, the records  
3 28 shall be sealed.  
3 29 LSB 6484SK 81  
3 30 jm:nh/sh/8